

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**RAJENDRA D. BADGAIYAN, M.D.,**

**Plaintiff,**

**v.**

**Case No. 04-12031 JLT**

**ANTHONY J. PRINCIPI, Secretary,  
Department of Veterans' Affairs; President  
and Fellows of HARVARD COLLEGE; and  
Grace J. Mushrush, M.D.,**

**Defendants.**

**DEFENDANT PRESIDENT AND FELLOWS OF HARVARD COLLEGE'S MOTION  
TO STRIKE PLAINTIFF'S OPPOSITION TO HARVARD'S MOTION FOR SUMMARY  
JUDGMENT, PLAINTIFF'S RESPONSE TO HARVARD'S LOCAL RULE 56.1  
STATEMENT OF MATERIAL FACTS, AND PLAINTIFF'S SUPPORTING  
AFFIDAVITS**

Defendant President and Fellows of Harvard College ("Harvard University" or "Harvard") moves to strike all or part of the Plaintiff's Opposition to the Motion for Summary Judgment Filed By Defendants President and Fellows of Harvard College, Plaintiff's Response to Harvard's Local Rule 56.1 Statement of Material Facts, and Plaintiff's supporting Affidavits, pursuant to Fed. R. Civ. P. 56(e), LR D. Mass. 56.1, and LR D. Mass. 7.1(B)(4). In the alternative, it moves that its Local rule 56.1 Statement of Material Facts be deemed admitted and that Harvard's Motion for Summary Judgment Pursuant Fed. R. Civ. P. 56(c) be allowed.

The reasons and legal basis for Harvard's Motion to Strike are set forth in detail in Harvard's supporting Memorandum, which is filed herewith.

Respectfully submitted,  
Defendant, President and Fellows of  
Harvard College,  
By its attorneys,

/s/ Daniel S. Field  
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Daniel S. Field, Esq. (BBO No. 560096)  
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Date: January 16, 2007

**Certificate of Service**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 16, 2007.

/s/ Daniel S. Field  
Daniel S. Field